

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FARMERS INSURANCE EXCHANGE,

Plaintiff,

v.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA,

Defendant.

Case No. 1:20-cv-01272-DAD-SAB

ORDER DISCHARGING ORDER TO
SHOW CAUSE AND DIRECTING CLERK
OF THE COURT TO TERMINATE ABDU
GAZALI AS A PARTY IN THIS ACTION

(ECF Nos. 9, 11)

On June 16, 2020, Farmers Insurance Exchange (“Plaintiff”) filed this action in the Superior Court of California, County of Kern. On September 3, 2020, Travelers Casualty Insurance Company of America removed the matter to the Eastern District of California. On September 23, 2020, an order issued requiring Plaintiff to show cause why sanctions should not issue for the failure to comply with a September 15, 2020 order requiring Plaintiff to either dismiss Abdo Gazali¹ from this action or file a notice of status of the defendant. The order was served on Plaintiff by United States mail. On September 29, 2020, counsel Kevin Park filed a notice of appearance on behalf of Plaintiff. On September 30, 2020, a notice of voluntary dismissal of Abdo Gazali was filed.

¹ The Court notes that the September 15, 2020 and September 23, 2020 orders contained an incorrect spelling of the defendant’s name.

1 Since counsel has recently filed a notice of appearance and the notice of voluntary
2 dismissal has been filed in this matter, the order to show cause shall be discharged, but counsel is
3 admonished that in the future once an order to show cause has issued a response is required.

4 Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all
5 of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d
6 688, 692 (9th Cir. 1997). “The plaintiff may dismiss either some or all of the defendants—or
7 some or all of his claims—through a Rule 41(a)(1) notice.” Concha v. London, 62 F.3d 1493,
8 1506 (9th Cir. 1995) (citing Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993).) “The plaintiff
9 may dismiss either some or all of the defendants—or some or all of his claims—through a Rule
10 41(a)(1) notice.” Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (citing Pedrina v. Chun,
11 987 F.2d 608, 609 (9th Cir. 1993)); but see Hells Canyon Pres. Council v. U.S. Forest Serv., 403
12 F.3d 683, 687 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the
13 dismissal of all claims against one defendant, so that a defendant may be dismissed from the
14 entire action.”). “Filing a notice of voluntary dismissal with the court automatically terminates
15 the action as to the defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The September 23, 2020 order requiring Plaintiff to show cause is
18 DISCHARGED; and
- 19 2. The Clerk of the Court is DIRECTED to terminate Abdo Gazali as a defendant in
20 this action.

21
22 IT IS SO ORDERED.

23 Dated: October 1, 2020


UNITED STATES MAGISTRATE JUDGE